



CITY OF NOVI CITY COUNCIL
APRIL 11, 2022

SUBJECT: Acceptance of a sidewalk easement from Andrew Lamoureux for reconfiguration of a sidewalk and pedestrian crossing at the southwest corner of the 9 Mile Road and Taft Road intersection (parcel 50-22-33-200-029) in the amount of \$18,000, conditioned upon receipt of a properly executed easement from the grantor.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

EXPENDITURE REQUIRED	\$ 18,000.00
AMOUNT BUDGETED	\$ 246,098.00
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	202-202.00-865.271

BACKGROUND INFORMATION:

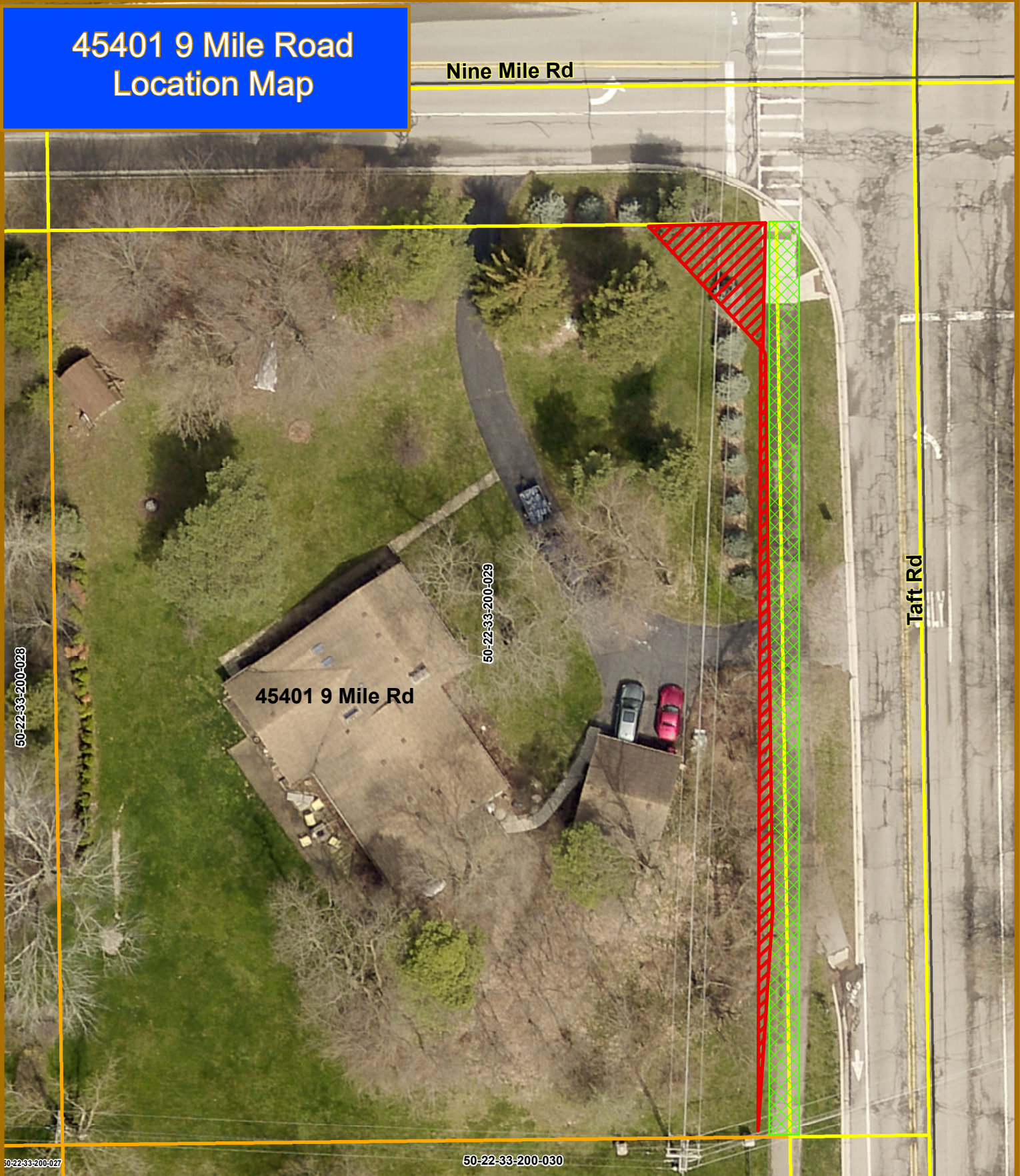
The City has been working with the property owner at 45401 9 Mile Road to obtain a sidewalk easement as part of the 9 Mile Road/Taft Road Roundabout project. The easement is needed to reconfigure the sidewalk for a pedestrian crossing across 9 Mile Road. The property owner, Andrew Lamoureux, is in favor of the roundabout, but has proposed a counter-offer to the City's Good Faith Offer.

The 9 Mile Road/Taft Road roundabout will be receiving funding from the Highway Safety Improvement Program (HSIP). Per Michigan Department of Transportation (MDOT) requirements for federally-funded projects, a market study was obtained for the property prior to making a Good Faith Offer.





Based on the average land value provided in the market study, the resident was offered \$7,896.24. The resident countered with an amount (\$18,000) that is more representative of the higher land values identified in the market study, which are closest to the resident's property, in the same school district and are connected to public utilities. The Engineering Division recommends acceptance of the counteroffer of \$18,000, with no objections from the City Attorney (Beth Saarela, March 31, 2022). The additional requests for landscaping and permission to construct a privacy fence in the future, if needed, are also supported by the Engineering Division.

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Andrew Lamoureux for reconfiguration of a sidewalk and pedestrian crossing at the southwest corner of the 9 Mile Road and Taft Road intersection (parcel 50-22-33-200-029) in the amount of \$18,000, conditioned upon receipt of a properly executed easement from the grantor.

45401 9 Mile Road Location Map



Legend

-  Proposed Sidewalk Easement
-  Existing Sidewalk Easement
-  Right of Way
-  Tax Parcels

Map Author: Rebecca Runkel
Date: 4/1/22
Project: 45401 9 Mile
Version #: 1.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



City of Novi
Engineering Division
Department of Public Works
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org





Good Faith Written Offer Letter

March 18, 2022

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Andrew Lamoureux
45401 Nine Mile Rd
Novi, MI 48374

Arthur J. Lamoureux Marital Trust, Mortgagee
Alice Lamoureux and Paul A. Lamoureux, Trustees
46680 Seven Mile
Northville, MI 48167

Re: Permanent Easement
Parcel ID 50-22-33-200-029

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Laura Marie Casey

Hugh Crawford

Justin Fischer

Brian Smith

Erica Thomas

City Manager
Peter E. Auger

Director of Public Works
Jeffrey Herczeg

Deputy Director of Public Works
Megan Mikus

City Engineer
Ben Croy, P.E.

Dear Mr. Lamoureux,

The City of Novi has an upcoming project at the intersection of 9 Mile Road and Taft Road. We have reviewed your property located at 45401 9 Mile Rd in Oakland County as it relates to the needs of the project, and we have deemed it necessary to acquire a sidewalk easement over your property. The easement documents are attached. This easement will be used to adjust the existing pathway to accommodate a pedestrian crossing across 9 Mile Road for a planned roundabout at 9 Mile Road and Taft Road. The goal of the roundabout project is to enhance safety and increase intersection capacity.

The City of Novi can acquire the sidewalk easement through purchase, donation, or condemnation. In accordance with state laws and federal regulations governing the acquisition of property by the City, this is the City's Good Faith Written Offer Letter. A legal description of the property is set forth in the attached easement.

The City has established just compensation for the property rights to be acquired. This Good Faith Offer is based upon the valuation set forth in the enclosed market study report prepared by a Certified General Real Estate Appraiser. The City has concluded that seven-thousand eight-hundred ninety-six dollars and twenty-four cents (\$7,896.24) represents just compensation for the easement area. The attached valuation statement outlines the parcel and easement details.

If there are facts known to you that would tend to support a higher price, please bring them to the City's attention. Thank you in advance for your consideration of our Good Faith Offer and assistance with our pathway project. If you have any questions, please contact me at runkel@cityofnovi.org or (248) 735-5694.

Sincerely,

Rebecca Runkel

Rebecca Runkel
Project Engineer

Enclosures

Department of Public Works
26300 Lee BeGole Drive
Novi, Michigan 48375
248.735.5640
248.735.5659 fax

cityofnovi.org

VALUATION STATEMENT

Updated June 2020

Property Owner(s): Andrew Lamoureux

Address: 45401 9 Mile Rd
Novi, MI 48374

Area to be acquired (permanent): 997 square feet
Average Price per square foot (per market study) x \$ 7.92
Total \$ 7,896.24 Fee (Permanent)
x 100% \$ 7,896.24 Easement (Permanent)
Just Compensation \$ 7,896.24

ADDITIONAL INFORMATION:

Sidewalk easement for 9 Mile/Taft Roundabout pathway reconfiguration.

PROJECT 9 Mile Rd/Taft Rd Roundabout	PARCEL 50-22-33-200-029	NAME Andrew Lamoureux
---	----------------------------	--------------------------

Drew Lamoureux

45401 W 9 Mile Rd, Novi, MI 48374
(248) 880-9294
drew.lamoureux.10@gmail.com

Rebecca Runkel

City of Novi – DPW
26300 Lee BeGole Dr, Novi, MI 48375

Re: Good Faith Offer – Permanent Easement
Parcel ID 50-22-33-200-029

Ms. Runkel

This letter is in response to a ‘Good Faith Written Offer Letter’ provided on March 18, 2022, on the topic of a permanent easement adjustment for my property (Parcel ID 50-22-33-200-029) to make way for a walking path to cross a planned roundabout at the intersection of 9 Mile and Taft Roads. Based on a market study report, the City of Novi concluded seven-thousand eight-hundred ninety-six dollars and twenty-four cents (\$7,896.24) represents just compensation for the easement area. In this letter, we lay out our interpretation of the market study data set and express other factors relating to this property that we feel better represent the valuation of the easement area in question.

To begin with the market study data set, I have broken the data set into smaller subsets. All described subsets can be found in Table I on the third page of this document.

Set A represents the original market study data set where you will find a wide range of property values, property sizes, and socioeconomic factors. The market study breaks these properties into three different “segments;” however, there is no attempt to weight one segment more or less than another. The compensation offer provided is a simple average of all 21 properties while we believe that some of these data points are more representative of the property in question.

Set B parses out all the properties in North Novi as these represent very different neighborhoods, school, and access to local amenities and businesses when compared to our property. In 2020, at a significant cost including a \$9,000 tap fee, we hooked up to city sewer and water. In resultant Set C, we eliminate all properties that do not have direct access to city utilities. Finally, we end up at Sets D & E that we feel better represent our property valuation. These properties are within a mile of the 9 Mile and Taft Road intersection; 8 Mile to 10 Mile and Beck to Novi Roads. These properties also access the Northville school district, equivalent access to amenities and local businesses, and comparable surrounding home values. The only difference between these sets is Set E eliminates two properties on Novi Road with small, irregular dimensions, fully wooded, and make for undesirable build locations, in our opinion. While Set E does leave us with a group at the upper end of the initial range of properties reviewed, we feel these property values should be weighted more heavily when valuing our property.

In addition to the determined value of the property, we have concerns both during and post-construction with overall impact to the property. We understand that construction is temporary, but there will be equipment and machinery running in my front yard for several months to complete this project. Upon completion, will the traffic

noise reduce as we anticipate? How will the proposed landscaping protect from car headlights sweeping across the front yard due to the roundabout flow pattern? Will having a roundabout at our corner negatively affect the final value of the property? How often and costly will it be to repair our landscaping in the inevitable event a vehicle slides through the roundabout into my yard in slippery conditions, potentially taking out grass, trees, and other landscape features?

To address one of the questions above, I would request the ability to install a privacy fence, if necessary, without the need to pull permits. If headlights prove too intrusive in the final configuration, some sort of fencing behind the trees at the corner would be a potential solution and we would like to reserve the right to do so if we have the need for it.

Finally, on the topic of pavement. Since contractors will be there repaving not only the intersection but also driveway entrances and walking paths, there is an opportunity to repave our drive, presumably at little added cost. Since we understand there may be a financial cap on the purchase of property without a full appraisal, we would propose the combination of resurfacing and cash purchase to meet a fair total compensation.

Based on the points laid out in this letter and our assessment of the property's value, we would be willing to move forward with the permanent easement purchase with one of the following:

1. Cash compensation in the amount of \$18,000 + landscaping restoration as depicted on the final page of this document (tree of choice: Green Giant Arborvitae) + waive the need to pull permits on a potential privacy fence in the future
2. Cash compensation in the amount of \$10,000 + resurfacing of the driveway + landscaping restoration as depicted on the final page of this document (tree of choice: Green Giant Arborvitae) + waive the need to pull permits on a potential privacy fence in the future

In closing, we feel the addition of a roundabout to the 9 Mile and Taft Road intersection to be a benefit to the community. This will improve the traffic flow and safety at the intersection, as well as allow for the added traffic volume during the Beck reconstruction project in the coming years. Overall, we have been understanding and cooperative throughout this process and trust we can come to an agreement that both sides deem fair.

We appreciate your consideration and look forward to further discussions.

Drew Lamoureux
29th March 2022

Address	Lot Dimension	Acreage	Recent Market Price (\$/sq. ft.)					
			Set A	Set B	Set C	Set D	Set E	
VL1 Paramount St	~100x200	0.54	\$ 1.40	-	-	-	-	-
VL Paramount St	~90x180	0.57	\$ 2.01	-	-	-	-	-
24998 Glenda Ave	138x200	0.58	\$ 2.97	\$ 2.97	-	-	-	-
0000 Meadowbrook Rd	120x218	0.60	\$ 3.44	\$ 3.44	\$ 3.44	-	-	-
51321 Chamberlain Ct	~150x193	0.75	\$ 3.67	\$ 3.67	-	-	-	-
0000 13 Mile Rd	79.5x100	0.23	\$ 3.79	-	-	-	-	-
51311 Park Place Dr	150x290	1.00	\$ 4.59	\$ 4.59	-	-	-	-
44900 W 11 Mile Rd	120x331	0.71	\$ 4.69	\$ 4.69	-	-	-	-
24847 Dinser Dr	100x310	0.71	\$ 5.17	\$ 5.17	\$ 5.17	-	-	-
00 Monticello St	50x180	0.21	\$ 5.25	-	-	-	-	-
VL Novi Rd	72x183	0.30	\$ 5.59	\$ 5.59	\$ 5.59	\$ 5.59	-	-
Lot 10 Brush Park Ct	Irregular	0.43	\$ 8.01	-	\$ 8.01	-	-	-
22845 Novi - Lot D	94x190	0.41	\$ 8.40	\$ 8.40	\$ 8.40	\$ 8.40	-	-
Lot 12 Brush Park Ct	Irregular	0.41	\$ 8.90	-	\$ 8.90	-	-	-
119 Maudlin St	40x138	0.16	\$ 9.11	-	-	-	-	-
47685 Casa Loma Ct	190x197	0.80	\$ 10.61	\$ 10.61	\$ 10.61	\$ 10.61	\$ 10.61	\$ 10.61
46115 White Pines Dr	103x160	0.38	\$ 11.72	\$ 11.72	\$ 11.72	\$ 11.72	\$ 11.72	\$ 11.72
48819 Barola Ct	~120x190	0.53	\$ 12.78	\$ 12.78	\$ 12.78	-	-	-
130 Buffington St	40x133	0.12	\$ 14.35	-	-	-	-	-
22652 Montebello Ct	~65x150	0.47	\$ 17.58	\$ 17.58	\$ 17.58	\$ 17.58	\$ 17.58	\$ 17.58
22519 Montebello Ct	~115x130	0.30	\$ 22.18	\$ 22.18	\$ 22.18	\$ 22.18	\$ 22.18	\$ 22.18
Average		0.49	\$ 7.91	\$ 8.72	\$ 10.40	\$ 12.68	\$ 15.52	
Median		0.47	\$ 5.59	\$ 5.59	\$ 8.90	\$ 11.17	\$ 14.65	
High		1.00	\$ 22.18	\$ 22.18	\$ 22.18	\$ 22.18	\$ 22.18	
Low		0.12	\$ 1.40	\$ 2.97	\$ 3.44	\$ 5.59	\$ 10.61	

Table 1: Market study data provided by R.S. Thomas & Associates, Inc. on March 10, 2022. Data including sales or sales offerings of residential vacant land from 2020 to present represented in price per area (sq. ft.)



SYMBOL	Common name	Scientific name	Mature height	Mature width	Size	ROOT	Notes	Sunlight
PM	Wichita Blue Juniper	<i>Juniperus scopulorum</i> 'Wichita Blue'	10-15 ft	4-6 ft	6-8 ft	B&B	Silver-blue tint	Full sun
PM	Green Columnar Juniper	<i>Juniperus chinensis</i> 'Hetzii Columnaris'	15 ft	5 ft	6-8 ft	B&B	Deer resistant	Full sun
PM	Skyrocket Juniper	<i>Juniperus scopulorum</i> 'Skyrocket'	15 ft	2-3 ft	6-8 ft	B&B	Bluish tint	Full sun
GG	Green Giant Arborvitae	<i>Thuja plicata</i> 'Green Giant'	25-50 ft	8-10 ft	6-8 ft	B&B	Eventually grows to 50-60 ft	Full sun

PROJECT: ROUNDABOUT PLANTING DESIGN - SOUTHWEST CORNER
 SHEET: TAFT AT 9 MILE ROAD

DATE: 3/25/2022 REV: 3/29/2022



SCALE: 1" = 30'



SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Andrew Lamoureux, whose address is 45401 W. Nine Mile Road, Novi, MI 48374 for and in consideration of eighteen-thousand dollars (\$18,000), receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a permanent easement for a public walkway over across and through property located in Section 33, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A – Parcel Description Exhibit}

Parcel No. 50-22-33-200-029

The permanent easement for the public walkway is more particularly described as follows:

{See attached and incorporated Exhibit A – Permanent Pathway Easement}

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit A.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a)
And MCLA 207.526(a)

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this _____ day of _____, 2022.

{Signature begins on following page}

Signed by:

_____, a
Michigan _____

By: _____

STATE OF MICHIGAN)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by

Notary Public
_____ County, Michigan
My Commission Expires:

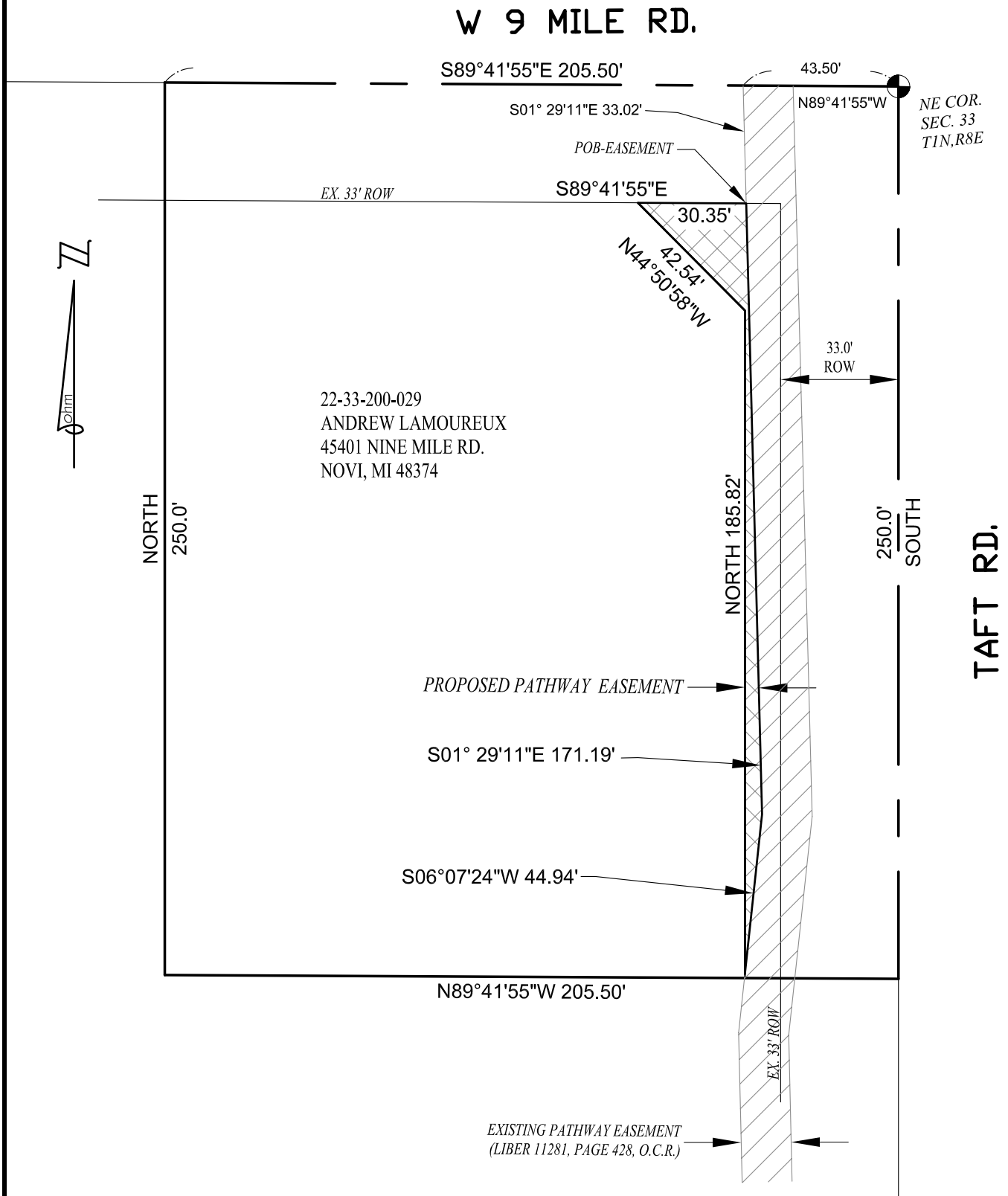
Drafted by:
Rebecca Runkel
Project Engineer
26300 Lee BeGole Dr
Novi, MI 48375

When recorded return to:
City of Novi
City Clerk
45175 W. Ten Mile Road.
Novi, MI 48375

438616_1.DOC

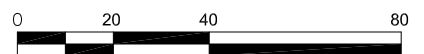
PATHWAY EASEMENT SKETCH

Exhibit "A"



LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- PROPOSED PATHWAY EASEMENT
- EXISTING EASEMENT



SCALE: 1" = 40'

<p>PATHWAY EASEMENT PART OF THE NE 1/4 OF SECTION 33 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN PARCEL ID# 22-33-200-029</p>		SCALE 1" = 40'
		SHEET 3 OF 4
DATE: 02-22-2022	CLIENT: CITY OF NOVI	JOB#: 0163-21-0020
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		



PATHWAY EASEMENT DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (22-33-200-029) (PER OAKLAND COUNTY TAX ROLLS)

A parcel of land being a part of the NE 1/4 of Section 33, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at the NE corner of said Section 33; thence South 250.0 feet; thence N 89°41'55" W 205.50 feet; thence North 250.0 feet; thence S 89°41'55" E 205.50 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

PERMANENT PATHWAY EASEMENT

A parcel of land being a part of the NE 1/4 of Section 33, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE corner of said Section 33; thence N 89°41'55" W 43.50 feet; thence thence S 01°29'11" E 33.02 feet to a point on the South right of way line of W 9 Mile Road, also being the Point of Beginning; thence continuing S 01°29'11" E 171.19 feet; thence S 06°07'24" W 44.94 feet; thence North 185.82 feet; thence N 44°50'58" W 42.54 feet; thence S 89°41'55" E 30.35 feet along the South right of way line of W 9 Mile Road to the Point of Beginning.

Contains 997 square feet or 0.023 acres of land, more or less. Subject to all easements and restrictions of record, if any.

PATHWAY EASEMENT PART OF THE NE 1/4 OF SECTION 33 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN PARCEL ID# 22-33-200-029		SCALE 1"=40'
		SHEET 4 OF 4
DATE: 02-22-2022	CLIENT: CITY OF NOVI	JOB#: 0163-21-0020
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		

